

provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also **MPEP § 804.01**.

### **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Csaba Hunter on December 10, 2009.

The application has been amended as follows:

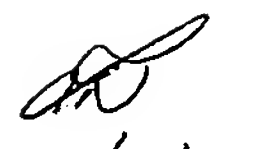
In claims **2-4 and 6-15** at the end of each claim

**DELETE** " and pharmaceutically usable derivatives, solvates, salts and stereoisomers thereof, including mixtures thereof in all ratios"

**and INSERT** -----including a stereoisomer thereof, or a pharmaceutically acceptable salt thereof-----

In claim **22**, lines **6 and 7**, **DELETE** " a tumor, a tumor disease and/or tumor "

In claim **22**, last line, **DELETE** "claim 1" **and INSERT** --- claim 16---

  
3/4/10

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

The 112 first paragraph rejections of claims 1-6, 18-21 and 23 sent in the Office Action mailed on July 24, 2009 have been withdrawn because of the Amendment filed